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22 UNITED STATES DISTRICT COURT  
23 DISTRICT OF NEVADA  
24

25 BARTELL RANCH LLC, et al., ) Case No.: 3:21-cv-80-MMD-CLB  
26 ) (LEAD CASE)  
27 Plaintiffs, )  
28 )  
29 v. )  
30 )  
31 ESTER M. MCCULLOUGH, et al., )  
32 )  
33 Defendants, )  
34 and )  
35 )  
36 LITHIUM NEVADA CORPORATION, )  
37 )  
38 Intervenor-Defendant. )  
39 \_\_\_\_\_  
40

**DECLARATION OF  
WILLIAM FALK IN SUPPORT  
OF RSIC'S MOTION FOR  
DISCOVERY SANCTIONS**

41 WESTERN WATERSHEDS PROJECT, et al., ) Case No.: 3:21-cv-103-MMD-CLB  
42 ) (CONSOLIDATED CASE)  
43 Plaintiffs, )  
44 )  
45 RENO SPARKS INDIAN COLONY, et al., )  
46 )

21 I, William Falk, hereby declare under penalty of perjury, that:

22        1. I am co-counsel for Intervening Plaintiff Reno-Sparks Indian Colony  
23        ("RSIC). I make this declaration in support of RSIC's Motion for Discovery  
24        Sanctions.

25        2. On January 24, 2022, United States Department of Justice Attorney Leilani  
26        Doktor emailed all of the parties about the Bureau of Land Management's  
27        ("BLM") inability to produce the administrative record by January 26, 2022 as  
28        ordered by the Court on December 27, 2021. Due to this inability, BLM requested  
29        a two-week extension on BLM's January 26 deadline to file the AR. Ms. Doktor  
30        also explained why BLM was unable to produce the administrative record by  
31        January 26.

32        3. Attached to RSIC's Motion for Discovery Sanctions as Exhibit 2 is a true

1 and accurate copy of Ms. Doktor's January 24, 2022 email.

2       4. On March 28, 2022, Ms. Doktor responded to an email from RSIC co-  
3 counsel Mr. Terry Lodge. Because so many documents post-dating the ROD had  
4 been added to the AR, Mr. Lodge asked Ms. Doktor to supplement the new AR  
5 with BLM's whole post-ROD decisional file. Ms. Doktor declined to do so and  
6 explained that the post-decisional documents currently in the record were  
7 inadvertently included.

8       5. Attached to RSIC's Motion for Discovery Sanctions as Exhibit 3 is a true  
9 and accurate copy of Ms. Doktor's March 28, 2022 email.

10      6. After the parties reviewed the newly supplemented AR, an email chain was  
11 started about missing documents and other problems with the AR. On February  
12 22, 2022 and again on March 8, 2022, Western Watersheds Project's counsel  
13 Ms. Talasi Brooks notified BLM of documents BLM withheld from the February 11  
14 AR production and other problems with the AR. On February 23, 2022, Bartell's  
15 counsel Mr. Dominic Carollo did the same. Ms. Doktor responded on March 17,  
16 2022 and on March 25, 2022.

17      7. Attached to RSIC's Motion for Discovery Sanctions as Exhibit 4 is a true  
18 and accurate copy of the relevant portions of the email chain.

19  
20 Executed on this 4<sup>th</sup> day of April, 2022.

21 /s/ William Falk (Utah Bar No. 16678)  
22 Attorney for Reno-Sparks Indian Colony